

Frederick County Ethics Commission
Minutes for the Public Meeting of Wednesday, October 11, 2017

Present: Stephen K. Hess, Chair
 Timothy J. Tosten, Vice Chair
 Christopher D. Glass, Sr., Commission Member
 Ernest A. Heller, Commission Member
 Deborah L. Lundahl, Commission Member
 Deidre R. Davidson, Alternate Commission Member
 Linda B. Thall, Senior Assistant County Attorney

Absent: M. Shane Canfield, Commission Member
 Alan Shapiro, Commission Member

The meeting of the Frederick County Ethics Commission began at 7:00 p.m. on October 11, 2017, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

Decision to meet to perform an administrative function – Before beginning the public portion of the Commission's meeting, the members wanted to meet with an individual employed by the County who had requested an advisory opinion. The purpose for the meeting was to obtain information related to the request and then to discuss the Commission's position on the advisory opinion.

MOTION: Mr. Tosten made a motion to conduct an administrative function meeting to discuss the pending request for an advisory opinion. Ms. Davidson seconded the motion, which was approved unanimously.

Required information regarding the administrative function meeting – The Commission began its administrative function meeting at approximately 7:00 p.m. on October 11, 2017, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701. Present for the meeting were Mr. Hess, Mr. Tosten, Mr. Glass, Mr. Heller, Ms. Lundahl, Ms. Davidson and Ms. Thall. The members first met with the individual who requested the advisory opinion regarding the possible conflicts of interest arising out of his candidacy for election to a position on a City Council in a municipality located within Frederick County. After that portion of the meeting ended, the Commission members then discussed the potential conflicts of interest identified and provided guidance necessary for drafting the advisory opinion

MOTION: Mr. Heller made a motion to have the Senior Assistant County Attorney draft an advisory opinion consistent with the direction provided. Ms. Davidson seconded the motion, which was approved unanimously.

At the conclusion of its administrative function meeting, the Ethics Commission resumed its public meeting.

Approval of minutes – The draft minutes from the August 9, 2017 meeting were emailed to the members before the meeting.

MOTION: Mr. Heller made a motion to approve the minutes as drafted. The motion was seconded by Mr. Glass and the motion was approved unanimously.

Discussion of changes to the financial disclosure forms – The long and short financial disclosure forms were distributed to the members. The members agreed that more detail needs to be added to the short form and that the long form needs to be changed to better identify the person completing the form and that person's position with the County. The Commission's goal is to revise the two forms by the end of February. Ms. Davidson agreed to circulate financial disclosure statements used by other Maryland counties. The Commission will discuss this further at its December meeting.

Discussion of a brochure on the Ethics Law – At its last meeting in August, the Ethics Commission members agreed to create a brochure that would be similar to the one used by Montgomery County but changed to adapt the brochure to reflect differences in Frederick County's Ethics Law. The creation of an educational brochure is a part of the Commission's overall effort to provide training on the requirements of the Ethics Law. The members discussed the edits made to a draft brochure prepared for distribution to County employees. The members agreed that while other brochures might also be of use, such as a brochure written for lobbyists, the Commission's priority should be on educating the County employees. Mr. Hess asked Ms. Davidson to prepare a revised draft of the brochure that would include the applicable financial disclosure deadlines and an explanation of the process followed by the Commission when an ethics complaint is filed. The draft will be reviewed at the Commission's November meeting.

Decision to meet to perform an administrative function – The Commission received a complaint against a County official. In order to discuss what steps will be taken with regard to the complaint, the Commission unanimously decided that it should discuss this matter during an administrative function meeting.

Required information regarding the administrative function meeting – The Commission began its administrative function meeting at approximately 8:15 p.m. on October 11, 2017, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701. Present for the meeting were Mr. Hess, Mr. Tosten, Mr. Glass, Mr. Heller, Ms. Lundahl, Ms. Davidson and Ms. Thall. The Commission discussed whether the facts alleged in the complaint, if true, would constitute a violation of the Ethics Law.

MOTION: Mr. Heller made a motion to dismiss the complaint on the basis that the facts alleged in the complaint did not state a violation of the Ethics Law by the County official. The motion also directed the Senior Assistant County

Attorney to draft the necessary dismissal notice. Mr. Glass seconded the motion, which was approved unanimously.

Adjournment

MOTION: Mr. Heller made a motion to adjourn the meeting. Mr. Tosten seconded the motion, which was unanimously approved.

The Ethics Commission adjourned its meeting at 8:30 p.m.

/s/
Linda B. Thall, Senior Assistant County Attorney